

Appl. No. 09/702,768

REMARKS/ARGUMENTS

Allowance of claims 1-3, 5-15, 17-32 and 42 is gratefully acknowledged.

35 U.S.C 112 Claim Rejections

The Examiner has rejected claims 33-41 under 35 U.S.C. 112 as being indefinite.

The Examiner states that claim 33 is confusing because if the search engine is capable of performing a certain number of tasks, it is only natural that not more than the certain number of tasks can be performed. However, the Examiner has apparently overlooked the fact that the purpose of the scheduler is to schedule search tasks in search task periods (STP) "in a manner such that no more than Q search task are scheduled for any search period". In other words, the scheduler is in place to avoid a situation where more search tasks than are capable of being handled by the search engine are assigned to a particular search task period.

As such, Applicant submits that claim 33 and claims dependent upon claim 33 are not indefinite. The claim recites a "search engine capable of performing Q search tasks during each of a plurality of search task periods defined in local time, where $Q \geq 1$ " and a "scheduler adapted to schedule a search process for each of a plurality of known codes by selecting a respective plurality of search task periods during which the search engine is to execute a search task as part of the search process in a manner such that no more than Q search tasks are scheduled for any search task period". The claim is essentially reciting a search engine capable of performing a maximum number of search tasks in a given STP and a scheduler for scheduling search tasks, the scheduler operating in a manner that ensures that no one STP has more than the number of search tasks scheduled than the search engine can perform. The scheduler is used to avoid a condition where any one STP would end up having more search tasks assigned to it than the search engine is capable of performing in the STP.

For the above reasons it is respectfully submitted that claim 33 is not indefinite and it is respectfully requested that the Examiner reconsider and withdraw the 35 U.S.C. 112 rejection of claim 33 and dependent claims 34-41.

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In view of the forgoing, early favorable consideration of this application is earnestly solicited.

Respectfully submitted,

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